

Message Text

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PAGE 01 STATE 124488
ORIGIN ACDA-10

INFO OCT-01 EUR-12 ISO-00 OES-07 EB-07 NRC-05 SIG-01
FEA-01 CIAE-00 INR-07 IO-13 L-03 NSAE-00 NSC-05
DODE-00 ERDA-05 SS-15 PM-04 /096 R

DRAFTED BY ACDA:FHOUCK:LMT
APPROVED BY OES/NET:LVNOSENZO
ERDA - ROBERT SLAWSON
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IO/SCT - ANNE JILLSON
EUR - WILLIAM SALISBURY
NRC - JIM SHEA

-----281545Z 117241 /40

P 281448Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS PRIORITY
INFO AMEMBASSY BONN PRIORITY
AMEMBASSY COPENHAGEN PRIORITY
AMEMBASSY DUBLIN PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY LUXEMBOURG PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY THE HAGUE PRIORITY
AMEMBASSY VIENNA PRIORITY

C O N F I D E N T I A L STATE 124488

EC ACTION, BRUSSELS INFO;IAEA VIENNA;PARIS AND USOECD

E.O. 11652: GDS

TAGS: PARM, TECH, MNUC, EC, IAEA

SUBJECT: EURATOM-IAEA SAFEGUARDS AGREEMENT

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 124488

REF: (A) STATE 310525 (1976) (B) EC BRUSSELS 0093
(C) IAEA VIENNA 3701 (D) IAEA VIENNA 4150

1. AS STATED IN REFTEL A WE ATTACH HIGH IMPORTANCE TO THE
TIMELY AND EFFECTIVE IMPLEMENTATION OF IAEA SAFEGUARDS IN
THE NON-NUCLEAR WEAPON STATE MEMBERS OF THE EC AS WELL AS
IN OTHER NON-NUCLEAR WEAPON STATES PARTY TO THE NPT. WE

BELIEVE THAT THE DEMARCHE TO THE COMMISSION REPORTED IN REFTEL B DID HAVE A POSITIVE EFFECT IN THIS REGARD. UNFORTUNATELY, HOWEVER, AS IN REFTEL C, THERE CONTINUE TO BE REPORTS OF MAJOR OBSTACLES TO THE IMPLEMENTATION BY THE IAEA OF EFFECTIVE SAFEGUARDS IN EC NNWS. IN PARTICULAR, THERE APPEARS TO BE A CONTINUED UNWILLINGNESS ON THE PART OF EURATOM TO FULLY ALLOW THE INDEPENDENT VERIFICATION ACTIVITIES BY THE IAEA WHICH ARE CALLED FOR IN THE IAEA/ EURATOM SAFEGUARDS AGREEMENT AND WHICH ARE ESSENTIAL FOR EFFECTIVE IAEA SAFEGUARDS.

2. WITH THE COMMENCEMENT OF IAEA INSPECTION ACTIVITIES IN EC STATES, AND WITH THE PASSING ON MAY 22 OF THE 90-DAY PERIOD (SEE REF D) CALLED FOR IN THE AGREEMENT FOR COMPLE-

TION OF THE SUBSIDIARY ARRANGEMENTS, WE BELIEVE THAT IT IS TIMELY TO AGAIN BRING TO THE ATTENTION OF THE COMMISSION OUR VIEWS AND CONCERNS. ACCORDINGLY, EC BRUSSELS IS REQUESTED TO CALL ON APPROPRIATE COMMISSION OFFICIALS TO GET STATUS REPORT ON HOW THEY SEE PROCESS OF IMPLEMENTING EURATOM-IAEA SAFEGUARDS AGREEMENT, AND PROBLEMS THAT HAVE APPARENTLY ARISEN. IN COURSE OF THAT MEETING, MISSION SHOULD CONVEY THE FOLLOWING:

A. AS WE UNDERSTAND IT THE AGREEMENT BETWEEN THE IAEA AND EURATOM SPECIFIES THE RIGHT AND OBLIGATION OF THE IAEA TO IMPLEMENT ITS SAFEGUARDS AND IN DOING SO, INTER ALIA, TO EXAMINE RECORDS OF NUCLEAR FACILITIES, TO MAKE INDEPENDENT MEASUREMENTS OF THE MATERIALS SUBJECT TO SAFE-CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 124488

GUARDS AND TO EMPLOY CONTAINMENT AND SURVEILLANCE MEASURES. WE RECORDED OUR VIEW WHEN THAT AGREEMENT CAME BEFORE THE BOARD OF GOVERNORS IN 1973.

B. AN ESSENTIAL OBJECTIVE OF THE IAEA SAFEGUARDS IS TO DETECT DIVERSION SHOULD IT OCCUR AND THE IAEA MUST DRAW CONCLUSIONS REGARDING DIVERSION AND, MORE GENERALLY, MATERIAL UNACCOUNTED FOR, ON THE BASIS OF ITS OWN INDEPENDENT MEASUREMENTS AND OTHER INDEPENDENT VERIFICATION ACTIVITIES. THESE OBLIGATIONS AND RESPONSIBILITIES OF THE IAEA CANNOT BE DELEGATED, WHETHER STATES HAVE ENTERED INTO AGREEMENTS IN ACCORDANCE WITH ARTICLE III.4 OF THE NPT INDIVIDUALLY OR TOGETHER WITH OTHER STATES.

C. WE WOULD BE CONCERNED AT ANY WEAKENING OF THE MEANING OF INDEPENDENT IAEA SAFEGUARDS VERIFICATION. INDEPENDENCE, IN OUR VIEW, REQUIRES THAT IAEA INSPECTORS MUST BE DIRECTLY INVOLVED, EITHER ALONE OR TOGETHER WITH EURATOM INSPECTORS, IN AN INSPECTION ACTIVITY. WE DO NOT

BELIEVE ACTIVITIES CARRIED OUT BY EURATOM INSPECTORS WITHOUT INDEPENDENT VERIFICATION BY THE IAEA CAN REASONABLY PROVIDE THE BASIS FOR "INDEPENDENT" IAEA CONCLUSIONS. THIS APPLIES TO ALL TYPES OF INSPECTION ACTIVITIES INCLUDING THE TAKING OF SAMPLES FOR ANALYSIS, NON-DESTRUCTIVE MEASUREMENTS ON NUCLEAR MATERIALS, RECORDS EXAMINATION, AND USE OF SEALS AND OTHER SURVEILLANCE MEASURES.

D. WE CONTINUE TO BE CONCERNED ABOUT THE AMOUNTS OF INSPECTION EFFORT BEING EMPLOYED BY THE IAEA IN INDIVIDUAL FACILITIES OF ALL TYPES AND IN ALL STATES. THE NUMBER OF MAN-DAYS OF IAEA INSPECTION IN INDIVIDUAL FACILITIES IS ALREADY LESS THAN WHAT THE US HAD EARLIER FAVORED AND FURTHER REDUCTIONS IN THESE LEVELS WOULD, IN OUR VIEW, JEOPARDIZE ACHIEVEMENT BY THE IAEA OF THE IAEA SAFEGUARDS OBJECTIVE SPECIFIED IN NPT SAFEGUARDS AGREEMENTS

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 124488

INCLUDING THAT BETWEEN EURATOM AND IAEA.

E. THAT AGREEMENT, AS DO ALL NPT SAFEGUARDS AGREEMENTS, CALLS FOR A STATE'S OR STATES' SYSTEM OF ACCOUNTING FOR AND CONTROL OF NUCLEAR MATERIAL. WE BELIEVE THE EFFECTIVE OPERATION OF SUCH A SYSTEM IN EVERY STATE SUBJECT TO IAEA SAFEGUARDS IS ESSENTIAL FOR THE EFFICIENT AND EFFECTIVE OPERATION OF THE IAEA SAFEGUARDS SYSTEM. WE FULLY SUPPORT THE CONCEPT OF COOPERATION BETWEEN THE EURATOM SYSTEM AND THE IAEA AS AN IMPORTANT MEANS OF HELPING TO ACHIEVE EFFICIENT USE OF BOTH EURATOM AND IAEA RESOURCES, AND OBSERVATIONS BY IAEA INSPECTORS OF THE INSPECTION ACTIVITIES OF EURATOM INSPECTORS MAY AFFORD ONE MEANS OF ACHIEVING THIS EFFICIENCY. HOWEVER, NEITHER PRACTICE (COOPERATION OR OBSERVATION) ALTERS THE BASIC RIGHTS AND OBLIGATIONS OF THE IAEA AND THEIR USE DOES NOT REDUCE THE IAEA'S RESPONSIBILITIES TO CONDUCT INDEPENDENT INSPECTION ACTIVITIES AND TO REACH INDEPENDENT CONCLUSIONS. WE HOPE THAT THE COMMISSION AND IAEA OFFICIALS WILL GET TOGETHER AS SOON AS POSSIBLE TO INSURE THAT PRACTICAL PROBLEMS IN IMPLEMENTING THE SAFEGUARDS AGREEMENT DO NOT COMPLICATE OUR SHARED OBJECTIVES IN THIS FIELD.

3. FOR IAEA VIENNA. MISSION MAY INFORM THE IAEA DIRECTOR GENERAL AND, AT MISSION'S DISCRETION, OTHER IAEA OFFICIALS OF (A) THE SUBSTANCE OF THE US VIEWS IN PARAGRAPH 2; AND (B) THE CONTINUING ESSENTIALITY OF THE IAEA'S INDEPENDENT INSPECTION ACTIVITIES AND INDEPENDENT CONCLUSIONS WITH RESPECT TO ALL STATES IN WHICH THE IAEA HAS SAFEGUARDS RESPONSIBILITIES. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, NUCLEAR PROLIFERATION, REGIONAL ORGANIZATIONS, NUCLEAR SAFEGUARDS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE124488
Document Source: CORE
Document Unique ID: 00
Drafter: FHOUCK:LMT
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770191-1100
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977055/aaaaaekn.tel
Line Count: 169
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: a3923d92-c288-dd11-92da-001cc4696bcc
Office: ORIGIN ACDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 STATE 310525, 77 EC BRUSSELS 93, 77 IAEA VIENNA 3701, 77 IAEA VIENNA 4150
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 13-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2493568
Secure: OPEN
Status: NATIVE
Subject: EURATOM-IAEA SAFEGUARDS AGREEMENT CONFIDENTIAL CONFIDENTIAL
TAGS: PARM, TECH, MNUC, EC, IAEA, EURATOM
To: BRUSSELS
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/a3923d92-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009